

E-Filed 1/20/2009

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

JAMES ALAN BUSH,

Plaintiff,

v.

SUNNYVALE DEPARTMENT OF PUBLIC
SAFETY, et al.,

Defendants.

Case Number C 08-1354 JF (RS)

ORDER¹ RE CASE STATUS

[re: doc. no. 86]

On June 27, 2008, the Court stayed the instant case pending Plaintiff's appeal of the denial of his application to proceed *in forma pauperis*. Plaintiff also was granted leave to amend his complaint. On November 21, 2008, Plaintiff filed an "Application for Leave to Present Late Claim." The application appears to allege a claim for relief under the California Tort Claims Act ("CTCA"). A claim under the CTCA first must be lodged with the applicable agency, in this case the San Jose Police Department. *See* Cal. Gov't Code § 915. To date, the record in the instant case does not reflect any response from the San Jose Police Department to Plaintiff's application, nor has Plaintiff filed any subsequent papers regarding the status of the application.

¹ This disposition is not designated for publication in the official reports.

1 The Court will take no action pending further developments with respect to the application.

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3 IT IS SO ORDERED.

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5 DATED: January 20, 2009

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7 
JEREMY FOGEL
United States District Judge

1 This Order has been served upon the following persons:

2 James Alan Bush
3 701 South Abel Street, M-4
4 Milpitas, CA 95035
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